REMARKS/ARGUMENTS

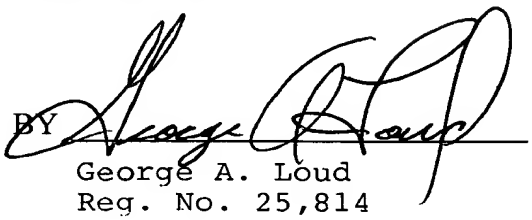
Claim 79 of record has been cancelled as being redundant over claim 74. The numbering of claims 80-103 of record has been corrected.

The attached appendix includes marked-up copies of each rewritten claim.

Favourable consideration on the merits is respectfully requested.

Respectfully submitted,

LORUSSO & LOUD

BY 

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 79 has been cancelled.

Claims 80-103 have been renumbered as follows:

~~80~~ 75. (Amended) A transgenic plant comprising:

a conditionally lethal first gene expressible in a plant cell of said transgenic plant; and

a second gene expressible in said plant cell of said transgenic plant, said second gene, when expressed in said plant cell, conferring a non-naturally occurring trait of interest on said plant cell.

~~81~~ 76. (Amended) The transgenic plant of claim ~~80~~ 75, wherein said transgenic plant is a variety of Brassica.

~~82~~ 77. (Amended) The transgenic plant of claim ~~81~~ 76, wherein ~~said~~ second gene confers upon said variety of Brassica a high oleic, low linoleic acid genotype.

~~83~~ 78. (Amended) The transgenic plant of claim ~~81~~ 76, wherein ~~said~~ variety of Brassica is variety AG-019 or derivatives thereof.

~~84~~ 79. (Amended) A method for selectively removing at least one plant from a growing environment, comprising:

transforming at least one plant cell with a genetic construct including:

a conditionally lethal first gene expressible in said at least one plant cell; and

a second gene expressible in said at least one plant cell, said second gene, when expressed in said at least one plant cell, conferring a non-naturally occurring trait of interest on said at least one plant cell;

regenerating the at least one plant cell to at least one whole plant; and

applying a chemical agent to said at least one whole plant, said chemical agent being configured to be converted into a phytotoxic agent of said at least one whole plant by one or more gene products of said conditionally lethal gene.

~~85~~ 80. (Amended) The method of claim ~~84~~ 79, wherein said applying said chemical agent comprises applying said chemical agent in an amount selected to effect a sub-lethal level of said phytotoxic agent in said at least one whole plant upon said conversion by said one or more gene products of said conditionally lethal gene.

~~86~~ 81. (Amended) The method of claim ~~85~~ 80, ~~further~~ comprising visually identifying a sub-lethal phenotype of said at least one whole plant.

~~87~~ 82. (Amended) The method of claim ~~84~~ 79, ~~wherein~~ the genetic construct comprises oncogene 2 as the conditionally lethal gene, and wherein the chemical agent comprises an indoleamide or a related derivative.

~~88~~ 83. (Amended) The method of claim ~~87~~ 82, ~~wherein~~ the indoleamide is naphthalene acetamide.

~~89~~ 84. (Amended) The method of claim ~~84~~ 79, wherein the at least one whole plant is a variety of Brassica.

~~90~~ 85. (Amended) The method of claim ~~89~~ 84, wherein said second gene confers upon said variety of Brassica a high oleic, low linoleic acid genotype.

~~91~~ 86. (Amended) The method of claim 90 85, ~~wherein~~ the variety of Brassica plant is variety AG-019 or derivatives thereof.

~~92~~ 87. (Amended) A method for selecting a germinating seed or plant embryo comprising oncogene 2 as a transgene, comprising:

providing at least one transgenic plant cell of a plant seed or plant embryo, said at least one transgenic plant cell including oncogene 2 as a transgene;

culturing the at least one transgenic plant cell on a medium comprising an indoleamide or a related derivative; and

visually identifying the at least one transgenic plant cell by its expresion of an auxin-overproduction phenotype.

~~93~~ 88. (Amended) The method of claim ~~92~~ 87, wherein said medium further comprises an auxin transport inhibitor.

~~94~~ 89. (Amended) The method of claim ~~93~~ 88, wherein the auxin transport inhibitor is selected from the group consisting of N-(1-naphthyl)phthalamic acid, 2,3,5-triiodobenzoic acid, 9-hydroxyfluorene-9-carboxylic acid, erythrosine, eosine, fluorescein, semicarbazone, and ethanphon.

~~95~~ 90. (Amended) The method of claim ~~92~~ 87, wherein the indoleamide is naphthalene acetamide and the auxin transport inhibitor is naphthylphthalamic acid.

~~96~~ 91. (Amended) The method of claim ~~92~~ 87, wherein the at least one plant cell comprises a seed or a plant embryo.

~~97~~ 92. (Amended) The method of claim ~~92~~ 87, wherein the at least one plant cell is derived from a variety of Brassica.

~~98~~ 93. (Amended) The method of claim ~~97~~ 92, wherein the variety of Brassica is a variety having a high oleic acid, low linoleic acid profile.

~~99~~ 94. (Amended) The method of claim ~~97~~ 92, wherein the variety of Brassica is variety AG-019 or derivatives thereof.

~~100~~ 95. (Amended) The method of claim ~~92~~ 87, further comprising transferring the at least one transgenic plant cell to a second medium free from indoleamide and recovering the at least one transgenic plant cell.

~~101~~ 96. (Amended) The method of claim ~~100~~ 95, wherein the second medium comprises naphthalene acetic acid.

~~102~~ 97. (Amended) The method of claim ~~92~~ 87, further comprising transforming at least one plant cell with oncogene 2 to obtain said at least one transgenic plant cell.

~~103~~ 98. (Amended) A method for producing a transgenic plant comprising oncogene 2 as a transgene, comprising:

providing at least one transgenic plant cell of a plant seed or plant embryo, said at least one transgenic plant cell including oncogene 2 as a transgene;

culturing the at least one transgenic plant cell on a medium comprising naphthalene acetamide and an auxin transport inhibitor;

visually identifying the at least one transgenic plant cell by its expression of an auxin-overproduction phenotype; and

transferring the at least one transgenic plant cell to a second medium comprising naphthalene acetic acid to recover the at least one transgenic plant cell.